IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 13.08.2025

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.A. No.2348 of 2025

L. Manivasagan S/o. Lakshmanan …. Appellant

Vs.

1. The Government of Tamil Nadu,
represented by Principal Secretary to Government,
Commercial Taxes & Registration Department,
Secretariat, Chennai - 600 009.

2. The Inspector General of Registration,
Chennai-600 028. … Respondents

PRAYER: The Writ appeal is filed under Clause 15 of Letters Patent praying to set aside the order dated 13.09.2022 made in W.P. No.45867 of 2017.

For Appellant	:	Ms. R. Nivedha for Mr. M. Ravi
For Respondents	:	Mr. P. Ananda Kumar Government Advocate.

JUDGMENT
(Judgment of the Court was made by P.DHANABAL,J.)

This Writ Appeal has been preferred as against the order passed by the

Writ Court in W.P. No.45867 of 2017 dated 13.09.2022, wherein the appellant herein has filed a Writ petition for the relief of direction to direct the respondents to consider the claim of the petitioner in the light of his representation dated 04.01.2016, 12.10.2016 and 26.10.2016, petitioner's empanelment in the appropriate place in the Revised Panel of Sub-Registrar Grade-II of the year 1986-87 over and above the petitioner immediate Junior with reference to the date of initial appointment and to consequently, empanel the petitioner in the appropriate panel for promotion to the next higher posts of Sub Registrar Grade-I and Assistant Inspector General of Registration and to promote petitioner on notional basis to the respective posts with effect from the dates of promotion of the petitioner immediate Juniors to the said posts and to grant petitioner all consequential benefits including revision of petitioner retirement and pensionary benefits.

2. According to the appellant, he was appointed as a 'Junior Assistant' on 01.07.1976 and promoted to the post of 'Assistant' with effect from 01.08.1983 and thereafter, he was further promoted as 'Sub-Registrar Grade-II' on completion of 2 years of service on 01.08.1995 and finally promoted as 'District Registrar' on 09.09.2009 and retired from service on attaining the age of superannuation on 31.10.2009. While so, he sent a representation dated

04.01.2016 to refix his seniority and to pay the consequential monetary benefits with reference to the panel of the year 1986-87 in the cadre of Sub-Registrar Grade-II and the same was not considered.

3. According to the respondent, the representation of the appellant was considered and the same was rejected. In fact, the exercise of fixing / revision of seniority in the Sub-Registrar Grade-II, panels were done only in respect of the persons, who are eligible and are not facing any disciplinary proceedings on the date of the issuance of orders pertaining to such seniority. The persons against whom disciplinary proceedings were pending, were deferred from inclusion in the orders issued by the Inspector General of Registration. The appellant was not included in the said panel due to pendency of disciplinary proceedings for the charges framed against him under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Thereafter, punishment has been imposed as a 'cut in pension' for a sum of Rs.500/- per month for a period of 6 months. Therefore, the appellant is not entitled to any relief.

3. The learned counsel appearing for the appellant would submit that the appellant sent representations dated 04.01.2016, 12.10.2016 and 26.10.2016 to consider him in the empanelment in appropriate place in the revised panel of Sub-Registrar Grade-II of the year 1986-87 over and above

the appellant's immediate Junior with reference to the date of initial appointment and consequently, empanel appellant for promotion to the next higher posts of Sub-Registrar Grade I and to promote the appellant on notional basis to the respective posts with effect from the date of promotion of the appellant immediate Juniors to the said posts and to grant appellant all consequential benefits including revision of appellant retirement and pensionary benefits, but the same was not considered. Therefore, he filed a Writ petition, but the Writ Court without considering the claim of the appellant in a proper perspective and erroneously dismissed the petition. In fact, the appellant joined service on 01.07.1976 in Chidambaram Registration District Unit. After having passed the Departmental tests, he was promoted as Assistant with effect from 01.08.1983 and he became eligible for promotion as Sub-Registrar, Grade-II on 08.02.1990. Subsequently, he was promoted as Sub-Registrar, Grade-I with effect from 11.11.1997 and as District Registrar from 09.09.2009 and he retired from service on 31.10.2009 on attaining the age of superannuation.

3.1. Persuant to the order issued by the Government in G.O. Ms. No.173, Commercial Taxes and Registration Department dated 13.10.2010, the Inspector General of Registration issued orders in Pro No.16086/A3/2008 dated 21.03.2011 revising the empanelment of the employees serving in the

Registration Department from 1970 onwards. In Annexure III therein relating to the panel of Sub-Registrars, Grade-II of the year 1986-87, the name of the appellant's Junior Tr. K. Mariappan, who joined service on 01.10.1976 had been included at Serial No.7, whereas the name of the appellant had been omitted, thereby, he sent a representation on 25.11.2011 and again on 18.07.2012 to the Inspector General of Registration. Thereafter, the Inspector General of Registration by letter dated 26.10.2012 informed the appellant that since a penalty of cut in the pension imposed on the appellant and the said G.O. (D) No.261, Commercial Taxes and Registration Department dated 27.06.2012 was in force, his claim for revision of placement in the panel cannot be taken up. Thereafter, the appellant sent a representation dated 24.07.2013 to the Inspector General of Registration stating that the punishment of cut in pension at Rs.500/- per month for 6 months had already been implemented by recovering the same from his pension arrears from 01.11.2009 to 30.04.2010 and requested to pass orders on his representation, but no orders were passed. Thereafter, the appellant sent a representation dated 04.01.2016, 12.10.2016 and 26.10.2016 to the Government and National Commission for Schedule Caste, New Delhi and the same were also not considered. Therefore, filed a Writ petition and the Writ Court also failed to consider the genuine grievances of the appellant. Therefore, the order passed by the Writ Court is liable to be set aside.

4. The learned Government Advocate appearing for the respondents would submit that the representation of the appellant was considered and the appellant was initially appointed in the Registration Department as Junior Assistant and thereafter, he was promoted to the post of District Registrar and he was superannuated on 31.10.2009. The revised pay was issued through G.O. (Ms) No.173, Commercial Taxes and Registration Department dated 13.10.2010, based on the order passed by the Tamil Nadu Administrative Tribunal in O.A. No.392 of 1989 dated 27.08.1993. The said exercise of fixing / revision of seniority in the Sub-Registrar Grade-II panels were done only in respect of the persons who are eligible and are not facing any disciplinary proceedings on the date of the issuance of orders pertaining to such seniority. The persons against whom the disciplinary proceedings were pending, were deferred from inclusion in the orders issued by the Inspector General of Registration. The appellant's name was not included, since charges framed against the appellant under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules were pending and for that, now punishment has been imposed as cut in his pension for a sum of Rs.500/- per month for a period of 6 months. Therefore, the Writ Court, taking into

consideration all the above aspects, correctly dismissed the Writ petition. Therefore, the Writ appeal is liable to be dismissed.

5. Heard both sides and perused the entire materials available on record.

6. According to the appellant, his name was not included in the promotion panel list, thereby, he sent representations to the Authorities concerned and they have not considered the same and his name was not included in the panel list of promotion. According to the respondent, the appellant faced departmental disciplinary proceedings for the charges framed under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and thereafter, punishment has been imposed on him as 'cut in his pension' for a sum of Rs.500/- per month for a period of 6 months. The appellant also not denied the pendency of proceedings for the charges under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and the punishment imposed against him. Therefore, the Writ Court after taking into consideration all the above facts, correctly dismissed the petition, particularly, in Para No.4, the Writ Court, has held as follows:-

> *"4. With reference to the representation submitted by the writ petitioner on 04.01.2016, the respondents have stated that the*

> *petitioner was facing departmental disciplinary proceedings and a charge memorandum under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules was pending against the writ petitioner during the relevant point of time. That apart, the said departmental disciplinary proceedings ended with an order of punishment and therefore, the petitioner is not eligible for revision of seniority as such sought for in his representation".*

Therefore, the above said order passed by the Writ Court is in accordance with law. There are no grounds to interfere with the order of the Writ Court and the Writ appeal has no merits and deserves to be dismissed.

7. In view of the same, the Writ appeal is dismissed. There shall be no order as to costs.

(R.S.K.J.) & (P.D.B.J)

13.08.2025

Index : Yes/No
Speaking order/non-speaking order
mjs

R. SURESH KUMAR,J
and
P.DHANABAL,J

mjs

To

1. The Government of Tamil Nadu,
represented by Principal Secretary to Government,

Commercial Taxes & Registration Department,
Secretariat, Chennai - 600 009.

2. The Inspector General of Registration,
Chennai-600 028.

W.A. No.2348 of 2025

13.08.2025